

S.208

Introduced by Senator Hartwell

Referred to Committee on Natural Resources and Energy

Date: January 7, 2014

Subject: Conservation and development; solid waste; beverage redemption;
recycling

Statement of purpose of bill as introduced: This bill proposes to require solid waste districts annually to submit to the Secretary of Natural Resources specified data regarding solid waste services. The bill also would establish a Solid Waste Infrastructure Assistance Fund to provide financial assistance to solid waste districts and municipalities to construct, develop, or acquire infrastructure needed to meet pending requirements for the collection and recycling of mandated recyclables, leaf and yard residuals, and food residuals.

To fund the Solid Waste Infrastructure Assistance Fund, the solid waste franchise tax would be increased by \$1.00 per ton of waste delivered to a certified solid waste facility. In addition, the bill proposes to amend the beverage container redemption system to repeal the deposit on liquor containers and to amend the definition of container to establish a volume limit for containers subject to deposit. In addition, the bill proposes to exempt solid waste transporters in a municipality from the requirement to offer to collect mandated recyclables separated from other solid waste if the Secretary of

1 Natural Resources has approved a solid waste implementation plan for the
2 municipality; the approved plan delineates an area in the municipality where
3 collection of mandated recyclable services is not required; and in the
4 delineated area, alternatives to services for collection of mandated recyclables
5 is offered.

6 An act relating to solid waste management

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 ~~*** Beverage Redemption System ***~~

9 Sec. 1. 10 V.S.A. § 1521 is amended to read:

10 § 1521. DEFINITIONS

11 ~~For the purpose of~~ As used in this chapter:

12 (1) "Beverage" means beer or other malt beverages and mineral waters,
13 mixed wine drink, soda water and carbonated soft drinks in liquid form and
14 intended for human consumption. ~~As of January 1, 1990 "beverage" also shall~~
15 ~~mean liquor.~~

16 (2) "Biodegradable material" means material which is capable of being
17 broken down by bacteria into basic elements.

18 (3) "Container" means ~~the~~ an individual, separate, bottle, can, jar, or
19 ~~carton of a volume of one liter or less that is composed of glass, metal, paper,~~

1 ~~plastic, or any combination of those materials containing a consumer product.~~

2 This definition shall not include containers made of biodegradable material.

3 (4) "Distributor" means every person who engages in the sale of
4 consumer products in containers to a dealer in this ~~state~~ State, including any
5 manufacturer who engages in such sales. Any dealer or retailer who sells, at
6 the retail level, beverages in containers without having purchased them from a
7 person otherwise classified as a distributor, shall be a distributor.

8 (5) "Manufacturer" means every person bottling, canning, packing, or
9 otherwise filling containers for sale to distributors or dealers.

10 (6) "Recycling" means the process of sorting, cleansing, treating, and
11 reconstituting waste and other discarded materials for the purpose of reusing
12 the materials in the same or altered form.

13 (7) "Redemption center" means a store or other location where any
14 person may, during normal business hours, redeem the amount of the deposit
15 for any empty beverage container labeled or certified pursuant to section 1524
16 of this title.

17 (8) "Secretary" means the ~~secretary of the agency of natural resources~~
18 Secretary of Natural Resources.

19 (9) "Mixed wine drink" means a beverage containing wine and more
20 than 15 percent added plain, carbonated, or sparkling water; ~~and which~~
21 contains added natural or artificial blended material, such as fruit juices,

1 ~~flavors, flavoring, adjuncts, coloring, or preservatives; which and contains not~~
2 more than 16 percent alcohol by volume; or other similar product marketed as
3 a wine cooler.

4 (10) ~~"Liquor" means spirits as defined in 7 V.S.A. § 2. [Repealed.]~~

5 Sec. 2. 10 V.S.A. § 1522 is amended to read:

6 § 1522. BEVERAGE CONTAINERS; DEPOSIT

7 (a) ~~Except with respect to beverage containers which contain liquor, a A~~
8 deposit of not less than five cents shall be paid by the consumer on each
9 beverage container sold at the retail level and refunded to the consumer upon
10 return of the empty beverage container. ~~With respect to beverage containers of~~
11 ~~volume greater than 50 ml. which contain liquor, a deposit of 15 cents shall be~~
12 ~~paid by the consumer on each beverage container sold at the retail level and~~
13 ~~refunded to the consumer upon return of the empty beverage container. The~~
14 ~~difference between liquor bottle deposits collected and refunds made is hereby~~
15 ~~retained by the liquor control fund for administration of this subsection.~~

16 (b) A retailer or a person operating a redemption center who redeems
17 beverage containers shall be reimbursed by the manufacturer or distributor of
18 such beverage containers in an amount ~~which~~ that is three and one-half cents
19 per container for containers of beverage brands that are part of a commingling
20 program and four cents per container for containers of beverage brands that are
21 not part of a commingling program.

1 ~~(c) [Deleted.] [Repealed.]~~

2 (d) Containers shall be redeemed during no fewer than 40 hours per week
3 during the regular operating hours of the establishment.

4 Sec. 3. 10 V.S.A. § 1524 is amended to read:

5 § 1524. LABELING

6 (a) Every beverage container sold or offered for sale at retail in this ~~state~~
7 State shall clearly indicate by embossing or imprinting on the normal product
8 label, or in the case of a metal beverage container on the top of the container,
9 the word "Vermont" or the letters "VT" and the refund value of the container
10 in not less than one-eighth inch type size or such other alternate indications as
11 may be approved by the ~~secretary~~ Secretary. This subsection does not prohibit
12 including names or abbreviations of other states with deposit legislation
13 comparable to this chapter.

14 (b) ~~The commissioner of the department of liquor control may allow, in the~~
15 ~~case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate~~
16 ~~the deposit information required in subsection (a) of this section, provided that~~
17 ~~the size, placement and adhesive qualities of the sticker are as approved by the~~
18 ~~commissioner. The stickers shall be affixed to the bottles by the manufacturer,~~
19 ~~except that liquor which is sold in the state in quantities less than 100 cases per~~
20 ~~year may have stickers affixed by personnel employed by the department.~~

21 [Repealed.]

1 ~~(e) This section shall not apply to permanently labeled beverage containers.~~

2 ~~(d) [Repealed.]~~

3 Sec. 4. 10 V.S.A. § 1528 is amended to read:

4 § 1528. BEVERAGE REGISTRATION

5 No distributor or manufacturer shall sell a beverage container in the state
6 State of Vermont without the manufacturer registering the beverage container
7 with the ~~agency of natural resources~~ Agency of Natural Resources prior to sale;
8 ~~unless distributed by the department of liquor control.~~ This registration shall
9 take place on a form provided by the ~~secretary~~ Secretary and include the
10 following:

11 (1) ~~The~~ the name and principal business address of the manufacturer;

12 (2) ~~The~~ the name of the beverage and the container size;

13 (3) ~~Whether~~ whether the beverage is a part of an approved commingling
14 agreement; and

15 (4) ~~The~~ the name of the person picking up the empty beverage container,
16 if that person is different from the manufacturer.

17 Sec. 5. TRANSITION

18 Notwithstanding Secs. 1–4 of this act, amending 10 V.S.A. §§ 1521, 1522,
19 1524, and 1528, beverage containers labeled and sold prior to January 1, 2015
20 shall continue to be:

21 (1) redeemed by redemption centers under 10 V.S.A. § 1522; and

1 ~~(2) collected and refund value paid by manufacturers and distributors~~
2 under 10 V.S.A. § 1523.

3 * * * Solid Waste Transporters; Mandated Recyclables * * *

4 Sec. 6. 10 V.S.A. § 6607a(g) is amended to read:

5 (g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a
6 transporter certified under this section that offers the collection of solid waste
7 shall:

8 (A) Beginning July 1, 2015, offer to collect mandated recyclables
9 separated from other solid waste and deliver mandated recyclables to a facility
10 maintained and operated for the management and recycling of mandated
11 recyclables.

12 (B) Beginning July 1, 2016, offer to collect leaf and yard residuals
13 separate from other solid waste and deliver leaf and yard residuals to a location
14 that manages leaf and yard residuals in a manner consistent with the priority
15 uses established under subdivisions 6605k(a)(3)-(5) of this title.

16 (C) Beginning July 1, 2017, offer collection of food residuals
17 separate from other solid waste and deliver to a location that manages food
18 residuals in a manner consistent with the priority uses established under
19 subdivisions 6605k(a)(2)-(5) of this title.

20 (2) In a municipality that has adopted a solid waste management
21 ordinance addressing the collection of mandated recyclables, leaf and yard

1 ~~residuals, or food residuals, a transporter in that municipality is not required to~~
2 comply with the requirements of subdivision (1) of this subsection and
3 subsection (h) of this section for the material addressed by the ordinance if the
4 ordinance:

5 (A) is applicable to all residents of the municipality;

6 (B) prohibits a resident from opting out of ~~municipally provided~~
7 municipally provided solid waste services; and

8 (C) does not apply a variable rate for the collection for the material
9 addressed by the ordinance.

10 (3) A transporter is not required to comply with the requirements of
11 subdivision (1)~~(A), (B),~~ or (C) of this subsection in a specified area within a
12 municipality if:

13 (A) the Secretary has approved a solid waste implementation plan for
14 the municipality;

15 (B) the approved plan delineates an area where solid waste
16 management services required by subdivision (1)~~(A), (B),~~ or (C) of this
17 subsection are not required; and

18 (C) in the delineated area, alternatives to the services, including
19 ~~on-site~~ on-site management, required under subdivision (1)~~(A), (B),~~ or (C) of
20 this subsection are offered, the alternative services have capacity to serve the

1 ~~needs of all residents in the delineated area, and the alternative services are~~

2 convenient to residents of the delineated area.

3 * * * Waste Assistance Fund; Solid Waste Franchise Tax * * *

4 Sec. 7. 10 V.S.A. § 6618a is added to read:

5 § 6618a. SOLID WASTE INFRASTRUCTURE ASSISTANCE FUND

6 (a) Creation of fund. There is hereby created in the State Treasury a fund
7 to be known as the Solid Waste Infrastructure Assistance Fund to be
8 administered by the Secretary of Natural Resources to provide financial
9 assistance to solid waste management districts, municipalities, and commercial
10 waste haulers to construct, develop, or acquire the solid waste infrastructure
11 necessary to meet the requirements of 10 V.S.A. § 6605(j). The Solid Waste
12 Infrastructure Assistance Fund shall consist of 10 percent of the receipts
13 deposited into the Solid Waste Management Assistance Account under section
14 6618 of this title.

15 (b) Disbursements. The Secretary may authorize disbursements from the
16 Solid Waste Infrastructure Assistance Fund for the following:

17 (1) costs of solid waste districts, municipalities, or other private or
18 public entities to construct solid waste management facilities to accept,
19 process, or recycle mandated recyclables, leaf and yard residuals, or food
20 residuals; and

1 ~~(2) costs of commercial haulers or transporters certified under this~~
2 chapter to acquire or modify vehicles intended to transport mandated
3 recyclables, leaf and yard residuals, or food residuals, provided that assistance
4 under this fund shall be limited to 50 percent per vehicle for which the
5 commercial hauler or transporter applies for assistance.

6 (c) Solid Waste Infrastructure Advisory Committee. The Secretary of
7 Natural Resources shall convene a Solid Waste Infrastructure Advisory
8 Committee to review the current solid waste management infrastructure in the
9 State, evaluate the sufficiency of existing solid waste management
10 infrastructure to meet the requirements of subsection 6605(j) of this title, and
11 recommend disbursements from Solid Waste Infrastructure Assistance Fund
12 for the development or construction of new solid waste management
13 infrastructure in the State. The Solid Waste Infrastructure Advisory
14 Committee shall be composed of the following members:

15 (1) the Secretary of Natural Resources or his or her designee;

16 (2) a representative of each of the solid waste management districts or
17 other management entities in the State, to be appointed by each individual
18 district or entity;

19 (3) a representative of each municipality operating an individual solid
20 waste plan, to be appointed by the individual municipality;

1 ~~(4) one representative of a solid waste collector that owns or operates a~~
2 material recovery facility, to be appointed by the Secretary of Natural
3 Resources;

4 (5) three representatives of solid waste commercial haulers, provided
5 that at least one of the commercial haulers shall serve rural or underpopulated
6 areas of the State, to be appointed by the Secretary of Natural Resources;

7 (6) one representative of a statewide environmental group, to be
8 appointed by the Secretary of Natural Resources; and

9 (7) two Vermont citizens who pay fees for the collection, disposal, or
10 recycling of solid waste, to be appointed by the Secretary of Natural
11 Resources.

12 (d) List of solid waste infrastructure. The Secretary, after consultation with
13 the Solid Waste Infrastructure Advisory Committee, shall:

14 (1) compile a list of the existing solid waste management facilities
15 operating in the State and the solid waste management services offered by each
16 facility;

17 (2) analyze whether the existing solid waste management facilities
18 operating in the State provide sufficient services to comply with the
19 requirements of subsection 6605(j) of this title, and meet any demand for
20 services;

~~(3) summarize the locations or service sectors where the State lacks~~

~~sufficient infrastructure or resources to comply with the requirements of and
demand generated by subsection 6605(j) of this title; and~~

~~(4) estimate the cost of constructing infrastructure necessary to address
any identified deficiencies in meeting the requirements of and demand
generated by subsection 6605(j) of this title.~~

~~(e) Report. On or before January 15, 2015 and annually thereafter, the
Secretary of Natural Resources shall submit to the Senate and House
Committees on Natural Resources and Energy a report with an accounting of
disbursements from the Solid Waste Infrastructure Assistance Fund, a
summary of the financial stability of the Fund, and any recommendations for
legislative action. The report submitted to the General Assembly on
January 15, 2015 under this subsection shall include the information and data
required under subsection (d) of this section.~~

Sec. 8. 10 V.S.A. § 6618 is amended to read:

§ 6618. WASTE MANAGEMENT ASSISTANCE FUND

(a) There is hereby created in the State Treasury a fund to be known as the
Waste Management Assistance Fund, to be expended by the Secretary of
Natural Resources. The Fund shall have three accounts: one for Solid Waste
Management Assistance, one for Hazardous Waste Management Assistance,
and one for Electronic Waste Collection and Recycling Assistance. The

1 ~~Hazardous Waste Management Assistance Account shall consist of a~~
2 percentage of the tax on hazardous waste under the provisions of 32 V.S.A.
3 chapter 237, as established by the Secretary, the toxics use reduction fees
4 under subsection 6628(j) of this title, and appropriations of the General
5 Assembly. In no event shall the amount of the hazardous waste tax, which is
6 deposited to the Hazardous Waste Management Assistance Account, exceed 40
7 percent of the annual tax receipts. The Solid Waste Management Assistance
8 Account shall consist of the franchise tax on waste facilities assessed under the
9 provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the
10 General Assembly. The Electronic Waste Collection and Recycling Account
11 shall consist of the program and implementation fees required under section
12 7553 of this title. All balances in the Fund accounts at the end of any fiscal
13 year shall be carried forward and remain a part of the Fund Accounts, except as
14 provided in subsection (e) of this section. Interest earned by the Fund shall be
15 deposited into the appropriate fund account. Disbursements from the fund
16 accounts shall be made by the State Treasurer on warrants drawn by the
17 Commissioner of Finance and Management.

18 (b) The Secretary may authorize disbursements from the Solid Waste
19 Management ~~assistance account~~ Assistance Account for the purpose of
20 enhancing ~~Solid Waste Management~~ solid waste management in the State in
21 accordance with the adopted waste management plan. This includes:

1 ~~(1) the The costs of implementation planning, design, obtaining permits,~~
2 construction, and operation of ~~state~~ State or regional facilities for the
3 processing of recyclable materials and of waste materials that because of their
4 nature or composition create particular or unique environmental, health, safety,
5 or management problems at treatment or disposal facilities;

6 (2) ~~the~~ The costs of assessing existing landfills, and eligible costs for
7 closure and any necessary steps to protect public health at landfills operating
8 before January 1, 1987, provided those costs are the responsibility of the
9 municipality or ~~Solid Waste Management~~ solid waste management district
10 requesting assistance. The Secretary of Natural Resources shall adopt by
11 procedure technical and financial criteria for disbursements of funds under this
12 subdivision;

13 (3) ~~the~~ The costs of preparing the State waste management plan;

14 (4) ~~hazardous~~ Hazardous waste pilot projects consistent with this
15 chapter;

16 (5) ~~the~~ The costs of developing markets for recyclable material;

17 (6) ~~the~~ The costs of the Agency of Natural Resources in administering
18 ~~Solid Waste Management~~ solid waste management functions that may be
19 supported by the Fund established in subsection (a) of this section;

1 ~~(7) a A portion of the costs of administering the environmental division~~
2 Environmental Division established under 4 V.S.A. chapter 27. The amount of
3 \$120,000.00 per fiscal year shall be disbursed for this purpose;

4 (8) ~~the~~ The costs, not related directly to capital construction projects,
5 that are incurred by a district, or a municipality that is not a member of a
6 district, in the design and permitting of implementation programs included in
7 the adopted ~~Solid Waste Implementation Plan~~ solid waste implementation plan
8 of the district or of the municipality that is not a member of a district. These
9 disbursements shall be issued in the form of advances requiring repayment.
10 These advances shall bear interest at an annual rate equal to the interest rate
11 which the State pays on its bonds. These advances shall be repaid in full by
12 the grantee no later than 24 months after the advance is awarded;

13 (9) ~~the~~ The Secretary shall annually allocate 17 percent of the receipts of
14 this account, based on the projected revenue for that year, for implementation
15 of the Plan adopted pursuant to section 6604 of this title and ~~Solid Waste~~
16 ~~Implementation Plans~~ solid waste implementation plans adopted pursuant to
17 24 V.S.A. § 2202a.

18 (10) ~~the~~ The costs of the proper disposal of waste tires. Prior to
19 disbursing funds under this subsection, the Secretary shall provide a person
20 with notice and opportunity to dispose of waste tires properly. The Secretary
21 may condition a disbursement under this subsection on the repayment of the

1 ~~disbursement. If a person fails to provide repayment subject to the terms of a~~
2 disbursement, the Secretary may initiate an action against the person for
3 repayment to the Fund or may record against the property of the person a lien
4 for the costs of cleaning up waste tires at a property.

5 (11) On or before January 1, 2021, the Secretary annually shall allocate
6 10 percent of the receipts from the Solid Waste Management Assistance
7 Account to the Solid Waste Infrastructure Assistance Fund under section
8 6618a of this title.

9 (c) The Secretary may authorize disbursements from the Hazardous Waste
10 Management Assistance Account for the purpose of enhancing hazardous
11 waste management in the State in accordance with this chapter. This includes:

12 (1) The costs of supplementing the State Waste Management Plan with
13 respect to hazardous waste management.

14 (2) The costs of the Agency of Natural Resources in administering
15 hazardous waste management functions that may be supported by the Fund
16 established in subsection (a) of this section.

17 (3) The costs of administering the Hazardous Waste Facility Grant
18 Program under section 6603g of this title.

19 (d) The Secretary shall annually allocate from the fund accounts the
20 amounts to be disbursed for each of the functions described in subsections (b),
21 (c), and (f) of this section. The Secretary, in conformance with the priorities

1 ~~established in this chapter, shall establish a system of priorities within each~~
2 function when the allocation is insufficient to provide funding for all eligible
3 applicants.

4 (e) The Secretary may allocate funds at the end of the fiscal year from the
5 Solid Waste Management Assistance Account to the Fund, established
6 pursuant to section 1283 of this title, upon a determination that the Funds
7 available in the Environmental Contingency Fund are insufficient to meet the
8 State's obligations pursuant to subdivision 1283(b)(9) of this title. Any
9 expenditure of funds transferred shall be restricted to funding the activities
10 specified in subdivision 1283(b)(9) of this title. In no case shall the
11 unencumbered balance of the Solid Waste Account following the transfer
12 authorized under this subsection be less than \$300,000.00.

13 Sec. 9. 32 V.S.A. § 5952 is amended to read:

14 § 5952. IMPOSITION OF TAX

15 (a)(1) A tax is imposed for each calendar quarter or part thereof upon the
16 franchise or privilege of doing business of every person required by 10 V.S.A.
17 chapter 159 to obtain certification for a facility. The tax shall be imposed in
18 the amount of ~~\$6.00~~ \$7.00 per ton of waste delivered for disposal or
19 incineration at the facility, regardless of the amount charged by the operator to
20 recoup its expenses of operation, including the expense of this tax.

1 ~~(2) The tax shall be similarly imposed on waste delivered to a transfer~~
2 facility for shipment to an incinerator or other treatment facility or disposal
3 facility that is located outside the ~~state~~ State. However, if the transfer station is
4 located within a district which is authorized by an interstate compact to enter
5 into cooperative agreements with a district in another state, the tax shall only
6 be imposed if the treatment or disposal facility is located outside the ~~state~~ State
7 and also outside the cooperating district in another state. For purposes of this
8 determination, a treatment or disposal facility may be considered to be located
9 within a district only if that district existed before July 1, 1987.

10 (3) The tax shall be similarly imposed on waste shipped to an
11 incinerator or other treatment facility or disposal facility that is located outside
12 the ~~state~~ State, without having been delivered to a transfer station located in
13 this ~~state~~ State. In this situation, the tax is imposed for each calendar quarter or
14 part thereof upon the franchise or privilege of doing business of every person
15 regulated under 10 V.S.A. § 6607a as a commercial hauler of solid waste. This
16 tax shall not be imposed on waste exempt under subdivision (2) of this
17 subsection.

18 (b) The tax imposed by this section shall be in addition to any other taxes
19 imposed on the taxpayer.

20 (c) If a return required by this chapter is not filed, or if a return, when filed,
21 is incorrect or insufficient, the ~~commissioner~~ Commissioner shall determine

1 ~~the amount of tax due from any information available. If adequate information~~
2 is not available to determine the tax otherwise due under this section, the
3 ~~commissioner~~ Commissioner may assess a tax at the rate of \$3.50 per year per
4 person served by the facility. The number of persons served by a facility shall
5 be determined by the ~~commissioner~~ Commissioner based upon any available
6 information and with regard given to seasonal and recreational use.

7 (d) Every person required to pay the tax imposed by this subchapter shall
8 use a weight scale that accurately gauges the weight of the waste and shall
9 keep accurate contemporaneous records of the volume or weight of all waste
10 delivered for disposal; provided, however, that a landfill receiving less than
11 1,000 tons of municipal solid waste per year which does not have scales which
12 accurately gauge the weight of the waste may compute weight indirectly from
13 volume using accurate records of the volume of waste delivered for disposal
14 and a conversion rate approved by the ~~commissioner~~ Commissioner. The
15 taxpayer's records relating to imposition of the tax imposed by this subchapter
16 shall be available for inspection or examination at any time upon demand by
17 the ~~commissioner of taxes~~ Commissioner of Taxes or the ~~secretary of the~~
18 ~~agency of natural resources~~ Secretary of Natural Resources, their duly
19 authorized agents or employees and shall be preserved for a period of three
20 years.

1 ~~Sec. 10. REPEAL~~

2 ~~10 V.S.A. § 6618a (Solid Waste Infrastructure Assistance Fund) shall be~~
3 ~~repealed on January 1, 2021.~~

4 ~~*** Municipal Reporting Regarding Solid Waste Management ***~~

5 Sec. 11. 24 V.S.A. § 2202b is added to read:

6 § 2202b. MUNICIPAL REPORTING; SOLID WASTE MANAGEMENT

7 (a) Beginning July 1, 2016 and annually thereafter, a municipality,
8 individually or through a solid waste management district or other entity
9 approved by the Secretary of Natural Resources, shall submit the following
10 data to the Secretary of Natural Resources:

11 (1) the number and type of solid waste collection facilities owned,
12 operated, or used by the municipality;

13 (2) a list of the commercial haulers doing business in the municipality
14 and the services provided by each commercial hauler;

15 (3) the total weight of the following collected in the municipality in the
16 preceding year:

17 (A) mandated recyclables;

18 (B) leaf and yard residuals; and

19 (C) food residuals.

20 (4) the collection services that the municipality offers for construction
21 and demolition materials, and, if collection services are provided:

1 ~~(A) the total weight of construction and demolition debris collected~~
2 ~~by the municipality in the preceding year;~~

3 ~~(B) whether the municipality has established a program for the~~
4 ~~recycling of clean wood and, if so, the total weight of clean wood collected;~~

5 ~~(C) whether the municipality has established a program for the~~
6 ~~recycling of asphalt shingles and, if so, the total weight of asphalt shingles~~
7 ~~collected; and~~

8 ~~(D) whether the municipality has established a drywall collection~~
9 ~~program and, if so, the total weight of drywall collected;~~

10 ~~(5) the collection services provided for household hazardous waste and~~
11 ~~conditionally exempt generator waste, including:~~

12 ~~(A) whether the municipality provides year-round access to a~~
13 ~~permanent facility for the collection of household hazardous waste and~~
14 ~~conditionally exempt generator waste; and~~

15 ~~(B) if a permanent facility is not available under subdivision (5)(A)~~
16 ~~of this section, the number and type of collection events in the preceding year~~
17 ~~provided for household hazardous waste and conditionally exempt generator~~
18 ~~waste; and~~

19 ~~(6) a summary of how biosolids are managed within the municipality.~~

20 ~~(b) The Secretary of Natural Resources shall compile the data provided~~
21 ~~under subsection (a) of this section. Notwithstanding the requirements of~~

~~2 V.S.A. § 20(d), beginning January 1, 2017 and annually thereafter, the~~
Secretary shall submit the compiled data to the Senate and House Committees
on Natural Resources and Energy.

* * * Effective Dates * * *

Sec. 12. EFFECTIVE DATES

(a) This section and Sec. 6 (requirements for solid waste transporters) shall
take effect on passage.

(b) Secs. 7 (Solid Waste Infrastructure Assistance Fund), 8 (Waste
Management Assistance Fund), 9 (solid waste franchise tax), 10 (repeal of
Solid Waste Infrastructure Assistance Fund), and 11 (solid waste district
reporting) shall take effect on July 1, 2014.

(c) Secs. 1, 2, 3, 4, and 5 (beverage container redemption system) shall take
effect on July 1, 2015.

~~* * * Construction and Demolition Waste, Pilot Project * * *~~

Sec. 1. FINDINGS

The General Assembly finds that, for the purposes of Secs. 1–3 of this act:

(1) Construction and demolition waste create significant issues for the
capacity and operation of landfills in the State.

(2) There are opportunities for materials recovery of construction and
demolition waste in a manner consistent with Vermont's solid waste
management priorities of reuse and recycling.

(3) Substantial opportunity exists in Vermont for the recovery and
recycling of certain materials in the construction and demolition waste stream,
including wood, sheetrock, asphalt shingles, and metal.

(4) To reduce the amount of construction and demolition waste in
landfills and improve materials recovery, the construction industry should

~~attempt to recover as much construction and demolition waste as possible from the overall waste stream.~~

~~(5) To initiate and facilitate the recycling of construction and demolition waste, a pilot program should be established to promote increased recycling and reuse of construction and demolition waste, inform interested parties of recycling and reuse opportunities, and evaluate the costs and effectiveness of construction and demolition waste recycling in the State.~~

~~Sec. 2. 10 V.S.A. § 6605m is added to read:~~

~~§ 6605m. CONSTRUCTION AND DEMOLITION WASTE; PILOT
PROJECT~~

~~(a) Definitions. In addition to the definitions in section 6602 of this chapter, as used in this section:~~

~~(1) "Commercial project" means construction, renovation, or demolition of a commercial building or of a residential building with two or more residential units.~~

~~(2) "Construction and demolition waste" means waste derived from the construction or demolition of buildings, roadways, or structures, including clean wood, treated or painted wood, plaster, sheetrock, roofing paper and shingles, insulation, glass, stone, soil, flooring materials, brick, concrete, masonry, mortar, incidental metal, furniture, and mattresses. Construction and demolition waste shall not mean asbestos waste, regulated hazardous waste, hazardous waste generated by households, hazardous waste from conditionally exempt generators, or any material banned from landfill disposal under section 6621a of this title.~~

~~(b) Materials recovery requirement. Beginning on or after July 1, 2014, if a person produces 40 cubic yards or more of construction and demolition waste at a commercial project located within 20 miles of a solid waste facility that recycles construction and demolition waste and meets the requirements of subsection (c) of this section, the person shall:~~

~~(1) arrange for the transfer of the construction and demolition waste from the project to a solid waste facility that recycles construction and demolition waste, provided that the facility meets the requirements of subsection (c) of this section; or~~

~~(2) arrange for a method of disposition of the construction and demolition waste that the Secretary of Natural Resources deems appropriate as an end use.~~

~~(c) Minimum requirements of facility. For the purposes of this section, a solid waste facility that recycles construction and demolition waste under this section:~~

~~(1) shall dispose of 50 percent or less of the construction and demolition waste received at the facility in a solid waste landfill as indicated by the facility's previous quarterly report to the Secretary of Natural Resources;~~

~~(2) shall not charge a fee for construction and demolition waste that exceeds the published gate rate for trash disposal at the facility; and~~

~~(3) may dispose of residuals generated from the processing or recycling of construction and demolition waste at a certified solid waste landfill.~~

~~(d) Calculation of bulk material.~~

~~(1) Concrete, asphalt, brick, and other similar bulk materials shall not be calculated as construction and demolition waste for the purposes of determining under subsection (b) of this section if 40 cubic yards of construction and demolition waste is generated at a commercial project.~~

~~(2) Concrete, asphalt, brick, and other similar bulk materials shall not be included in the calculation under subsection (c) of this section of the disposal rate at a solid waste facility that recycles construction and demolition waste, provided that:~~

~~(A) the bulk material is recycled or processed as part of a mixed load of construction and demolition waste; and~~

~~(B) the facility shall not recycle soil from a contaminated property unless the soil is suitably treated for use as clean fill.~~

~~(e) Transition; application. The requirements of this section shall not apply to a commercial project subject to a contract entered into on or before July 1, 2014 for the disposal or recycling of the construction and demolition waste from the project.~~

~~(f) Report. On or before January 1, 2017, the Secretary of Natural Resources, after consultation with interested persons, shall submit to the Senate and House Committees on Natural Resources and Energy a report regarding the implementation of the construction and demolition waste pilot project. The report shall include:~~

~~(1) a summary of the implementation of the pilot project;~~

~~(2) an estimate of the amount of construction and demolition waste recycled or reused under the pilot project;~~

~~(3) the economic feasibility of continuing the pilot project, including whether viable markets exist for the cost-effective recycling or reuse of components of the construction and demolition waste stream; and~~

~~(4) a recommendation as to whether the pilot project should be permanent, and, if so, any recommended changes to the statutory requirements.~~

~~(g) Guidance on separation of hazardous materials. The Secretary of Natural Resources shall publish informational material regarding the need for a solid waste facility that recycles construction and demolition waste to manage properly and provide for the disposition of hazardous waste and hazardous material in construction and demolition waste delivered to a facility.~~

~~Sec. 3. REPEAL~~

~~10 V.S.A. § 6605m (construction and demolition waste pilot project) shall be repealed on July 1, 2017.~~

~~*** Categorical Solid Waste Facility; Certification ***~~

~~Sec. 4. 10 V.S.A. § 6605c(a) is amended to read:~~

~~(a) Notwithstanding sections 6605, 6605f, and 6611 of this title, no person may construct, substantially alter, or operate any categorical solid waste facility without first obtaining a certificate from the Secretary. Certificates shall be valid for a period not to exceed ~~five~~ 10 years.~~

~~*** Solid Waste Transporters; Mandated Recyclables ***~~

~~Sec. 5. 10 V.S.A. § 6607a is amended to read:~~

~~§ 6607a. WASTE TRANSPORTATION~~

~~(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with ~~state~~ State law.~~

~~(b) As used in this section:~~

~~(1) "Commercial hauler" means:~~

~~(A) any person that transports regulated quantities of hazardous waste; and~~

~~(B) any person that transports solid waste for compensation in a vehicle having a rated capacity of more than one ton.~~

~~(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.~~

~~***~~

~~(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a transporter certified under this section that offers the collection of solid waste shall:~~

~~(A) Beginning July 1, 2015, offer to collect mandated recyclables separated from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.~~

~~(B) Beginning July 1, 2016, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)-(5) of this title.~~

~~(C) Beginning July 1, 2017, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)-(5) of this title.~~

~~(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a transporter in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:~~

~~(A) is applicable to all residents of the municipality;~~

~~(B) prohibits a resident from opting out of municipally provided municipally provided solid waste services; and~~

~~(C) does not apply a variable rate for the collection for the material addressed by the ordinance.~~

~~(3) A transporter is not required to comply with the requirements of subdivision (1)(A), (B), or (C) of this subsection in a specified area within a municipality if:~~

~~(A) the Secretary has approved a solid waste implementation plan for the municipality;~~

~~(B) the approved plan delineates an area where solid waste management services required by subdivision (1)(A), (B), or (C) of this subsection are not required; and~~

~~(C) in the delineated area, alternatives to the services, including ~~on-site~~ on-site management, required under subdivision (1)(A), (B), or (C) of this subsection are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.~~

~~*** Waste Management Assistance Fund; Solid Waste Franchise Tax ***~~

~~Sec. 6. 10 V.S.A. § 6618 is amended to read:~~

~~§ 6618. WASTE MANAGEMENT ASSISTANCE FUND~~

~~(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have ~~three~~ four accounts: one for Solid Waste Management Assistance, one for Solid Waste Infrastructure Assistance, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax, which is deposited to the Hazardous Waste Management Assistance Account, exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of ~~90~~ 86 percent of revenue from the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account shall consist of the program and implementation fees required under section 7553 of this title. The Solid Waste Infrastructure Assistance Account shall consist of 14 percent of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund Accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate fund account. Disbursements from the fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.~~

~~(b) The Secretary may authorize disbursements from the Solid Waste Management ~~assistance account~~ Assistance Account for the purpose of enhancing ~~Solid Waste Management~~ solid waste management in the State in accordance with the adopted waste management plan. This includes:~~

~~(1) ~~the~~ The costs of implementation planning, design, obtaining permits, construction, and operation of ~~state~~ State or regional facilities for the processing of recyclable materials and of waste materials that because of their nature or composition create particular or unique environmental, health, safety, or management problems at treatment or disposal facilities;~~

~~(2) ~~the~~ The costs of assessing existing landfills, and eligible costs for closure and any necessary steps to protect public health at landfills operating before January 1, 1987, provided those costs are the responsibility of the municipality or ~~Solid Waste Management~~ solid waste management district requesting assistance. The Secretary of Natural Resources shall adopt by procedure technical and financial criteria for disbursements of funds under this subdivision;~~

~~(3) ~~the~~ The costs of preparing the State waste management plan;~~

~~(4) ~~hazardous~~ Hazardous waste pilot projects consistent with this chapter;~~

~~(5) ~~the~~ The costs of developing markets for recyclable material;~~

~~(6) ~~the~~ The costs of the Agency of Natural Resources in administering ~~Solid Waste Management~~ solid waste management functions that may be supported by the Fund established in subsection (a) of this section;~~

~~(7) ~~a~~ A portion of the costs of administering the ~~environmental division~~ Environmental Division established under 4 V.S.A. chapter 27. The amount of \$120,000.00 per fiscal year shall be disbursed for this purpose;~~

~~(8) ~~the~~ The costs, not related directly to capital construction projects, that are incurred by a district, or a municipality that is not a member of a district, in the design and permitting of implementation programs included in the adopted ~~Solid Waste Implementation Plan~~ solid waste implementation plan of the district or of the municipality that is not a member of a district. These disbursements shall be issued in the form of advances requiring repayment. These advances shall bear interest at an annual rate equal to the interest rate which the State pays on its bonds. These advances shall be repaid in full by the grantee no later than 24 months after the advance is awarded;~~

~~(9) ~~the~~ The Secretary shall annually allocate 17 percent of the receipts of this account, based on the projected revenue for that year, for implementation of the Plan adopted pursuant to section 6604 of this title and~~

~~Solid Waste Implementation Plans solid waste implementation plans adopted pursuant to 24 V.S.A. § 2202a.~~

~~(10) the The costs of the proper disposal of waste tires. Prior to disbursing funds under this subsection, the Secretary shall provide a person with notice and opportunity to dispose of waste tires properly. The Secretary may condition a disbursement under this subsection on the repayment of the disbursement. If a person fails to provide repayment subject to the terms of a disbursement, the Secretary may initiate an action against the person for repayment to the Fund or may record against the property of the person a lien for the costs of cleaning up waste tires at a property.~~

~~(c) The Secretary may authorize disbursements from the Hazardous Waste Management Assistance Account for the purpose of enhancing hazardous waste management in the State in accordance with this chapter. This includes:~~

~~(1) The the costs of supplementing the State Waste Management Plan with respect to hazardous waste management-;~~

~~(2) The the costs of the Agency of Natural Resources in administering hazardous waste management functions that may be supported by the Fund established in subsection (a) of this section-; and~~

~~(3) The the costs of administering the Hazardous Waste Facility Grant Program under section 6603g of this title.~~

~~(d) The Secretary shall annually allocate from the fund accounts the amounts to be disbursed for each of the functions described in subsections (b), (c), and (f) of this section. The Secretary, in conformance with the priorities established in this chapter, shall establish a system of priorities within each function when the allocation is insufficient to provide funding for all eligible applicants.~~

~~(e) The Secretary may allocate funds at the end of the fiscal year from the Solid Waste Management Assistance Account to the Fund, established pursuant to section 1283 of this title, upon a determination that the Funds available in the Environmental Contingency Fund are insufficient to meet the State's obligations pursuant to subdivision 1283(b)(9) of this title. Any expenditure of funds transferred shall be restricted to funding the activities specified in subdivision 1283(b)(9) of this title. In no case shall the unencumbered balance of the Solid Waste Account following the transfer authorized under this subsection be less than \$300,000.00.~~

~~(f) The Secretary may authorize disbursements from the Solid Waste Infrastructure Assistance Account for the following:~~

~~(1) costs of solid waste districts, municipalities, or other private or public entities to construct solid waste management facilities or infrastructure~~

~~identified by the Solid Waste Infrastructure Advisory Committee as necessary to comply with the requirements of subsection 6605(j) of this title, and meet any demand for the processing or recycling of mandated recyclables, leaf and yard residuals, or food residuals; and~~

~~(2) up to 50 percent of the costs to a commercial hauler or transporter certified under this chapter to acquire or modify a vehicle:~~

~~(A) when the hauler or transporter demonstrates to the Secretary the need for financial assistance; and~~

~~(B) the vehicle will be used to transport mandated recyclables, leaf and yard residuals, or food residuals in rural or under populated areas of the State.~~

~~Sec. 7. 32 V.S.A. § 5952 is amended to read:~~

~~§ 5952. IMPOSITION OF TAX~~

~~(a)(1) A tax is imposed for each calendar quarter or part thereof upon the franchise or privilege of doing business of every person required by 10 V.S.A. chapter 159 to obtain certification for a facility. The tax shall be imposed in the amount of ~~\$6.00~~ \$7.00 per ton of waste delivered for disposal or incineration at the facility, regardless of the amount charged by the operator to recoup its expenses of operation, including the expense of this tax.~~

~~(2) The tax shall be similarly imposed on waste delivered to a transfer facility for shipment to an incinerator or other treatment facility or disposal facility that is located outside the ~~state~~ State. However, if the transfer station is located within a district which is authorized by an interstate compact to enter into cooperative agreements with a district in another state, the tax shall only be imposed if the treatment or disposal facility is located outside the ~~state~~ State and also outside the cooperating district in another state. For purposes of this determination, a treatment or disposal facility may be considered to be located within a district only if that district existed before July 1, 1987.~~

~~(3) The tax shall be similarly imposed on waste shipped to an incinerator or other treatment facility or disposal facility that is located outside the ~~state~~ State, without having been delivered to a transfer station located in this ~~state~~ State. In this situation, the tax is imposed for each calendar quarter or part thereof upon the franchise or privilege of doing business of every person regulated under 10 V.S.A. § 6607a as a commercial hauler of solid waste. This tax shall not be imposed on waste exempt under subdivision (2) of this subsection.~~

~~(b) The tax imposed by this section shall be in addition to any other taxes imposed on the taxpayer.~~

~~(c) If a return required by this chapter is not filed, or if a return, when filed, is incorrect or insufficient, the ~~commissioner~~ Commissioner shall determine the amount of tax due from any information available. If adequate information is not available to determine the tax otherwise due under this section, the ~~commissioner~~ Commissioner may assess a tax at the rate of \$3.50 per year per person served by the facility. The number of persons served by a facility shall be determined by the ~~commissioner~~ Commissioner based upon any available information and with regard given to seasonal and recreational use.~~

~~(d) Every person required to pay the tax imposed by this subchapter shall use a weight scale that accurately gauges the weight of the waste and shall keep accurate contemporaneous records of the volume or weight of all waste delivered for disposal, provided, however, that a landfill receiving less than 1,000 tons of municipal solid waste per year which does not have scales which accurately gauge the weight of the waste may compute weight indirectly from volume using accurate records of the volume of waste delivered for disposal and a conversion rate approved by the ~~commissioner~~ Commissioner. The taxpayer's records relating to imposition of the tax imposed by this subchapter shall be available for inspection or examination at any time upon demand by the ~~commissioner of taxes~~ Commissioner of Taxes or the ~~secretary of the agency of natural resources~~ Secretary of Natural Resources or their duly authorized agents or employees and shall be preserved for a period of three years.~~

~~Sec. 8. 10 V.S.A. § 6618 is amended to read:~~

~~§ 6618. WASTE MANAGEMENT ASSISTANCE FUND~~

~~(a) There is hereby created in the State Treasury a fund to be known as the Waste Management Assistance Fund, to be expended by the Secretary of Natural Resources. The Fund shall have ~~four~~ three accounts: one for Solid Waste Management Assistance, ~~one for Solid Waste Infrastructure Assistance~~, one for Hazardous Waste Management Assistance, and one for Electronic Waste Collection and Recycling Assistance. The Hazardous Waste Management Assistance Account shall consist of a percentage of the tax on hazardous waste under the provisions of 32 V.S.A. chapter 237, as established by the Secretary, the toxics use reduction fees under subsection 6628(j) of this title, and appropriations of the General Assembly. In no event shall the amount of the hazardous waste tax, which is deposited to the Hazardous Waste Management Assistance Account, exceed 40 percent of the annual tax receipts. The Solid Waste Management Assistance Account shall consist of ~~90 percent of revenue from~~ the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. The Electronic Waste Collection and Recycling Account~~

~~shall consist of the program and implementation fees required under section 7553 of this title. The Solid Waste Infrastructure Assistance Account shall consist of 10 percent of the franchise tax on waste facilities assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13, and appropriations of the General Assembly. All balances in the Fund accounts at the end of any fiscal year shall be carried forward and remain a part of the Fund Accounts, except as provided in subsection (e) of this section. Interest earned by the Fund shall be deposited into the appropriate fund account. Disbursements from the fund accounts shall be made by the State Treasurer on warrants drawn by the Commissioner of Finance and Management.~~

~~* * *~~

~~(f) The Secretary may authorize disbursements from the Solid Waste Infrastructure Assistance Account for the following:~~

~~(1) costs of solid waste districts, municipalities, or other private or public entities to construct solid waste management facilities to accept, process, or recycle mandated recyclables, leaf and yard residuals, or food residuals; and~~

~~(2) costs of commercial haulers or transporters certified under this chapter to acquire or modify vehicles intended to transport mandated recyclables, leaf and yard residuals, or food residuals, provided that assistance under this fund shall be limited to 50 percent per vehicle for which the commercial hauler or transporter applies for assistance. [Repealed.]~~

~~* * * Solid Waste Infrastructure Advisory Committee * * *~~

~~Sec. 9. SOLID WASTE INFRASTRUCTURE ADVISORY COMMITTEE~~

~~(a) The Secretary of Natural Resources shall convene a Solid Waste Infrastructure Advisory Committee to review the current solid waste management infrastructure in the State, evaluate the sufficiency of existing solid waste management infrastructure to meet the requirements of subsection 6605(j) of this title, and recommend development or construction of new solid waste management infrastructure in the State.~~

~~(b) The Solid Waste Infrastructure Advisory Committee shall be composed of the Secretary of Natural Resources or his or her designee and the following members, to be appointed by the Secretary of Natural Resources:~~

~~(1) three representatives of the solid waste management districts or other solid waste management entities in the State;~~

~~(2) one representative of a solid waste collector that owns or operates a material recovery facility;~~

~~(3) two representatives of solid waste commercial haulers, provided that one of the commercial haulers shall serve rural or underpopulated areas of the State;~~

~~(4) one representative of recyclers of food residuals or leaf and yard residuals; and~~

~~(5) one Vermont institution or business subject to the requirements under subsection 6605(j) of this title for the management of food residuals.~~

~~(c) The Solid Waste Infrastructure Advisory Committee shall:~~

~~(1) review the existing systems analysis of the State waste stream to determine whether the existing solid waste management facilities operating in the State provide sufficient services to comply with the requirements of subsection 6605(j) of this title, and meet any demand for services;~~

~~(2) summarize the locations or service sectors where the State lacks sufficient infrastructure or resources to comply with the requirements of and demand generated by subsection 6605(j) of this title, including the infrastructure necessary in each location;~~

~~(3) estimate the cost of constructing the necessary infrastructure identified under subdivision (2) of this subsection; and~~

~~(4) review options for generating the revenue sufficient to fund the costs of constructing necessary infrastructure.~~

~~(d) Report. On or before January 15, 2015 and annually thereafter, the Solid Waste Infrastructure Advisory Committee shall submit to the Senate and House Committees on Natural Resources and Energy a report with an accounting of disbursements from the Solid Waste Infrastructure Assistance Fund, a summary of the financial stability of the Fund, and any recommendations for legislative action. The report submitted to the General Assembly on January 15, 2015 under this subsection shall include the information and data developed under subsection (c) of this section.~~

~~***Municipal Participation in Solid Waste District***~~

~~Sec. 10. 24 V.S.A. § 2202a is amended to read:~~

~~§ 2202a. MUNICIPALITIES-RESPONSIBILITIES FOR SOLID WASTE~~

~~(a) Municipalities are responsible for joining a solid waste district for the purpose of the management and regulation of the storage, collection, processing, and disposal of solid wastes within their jurisdiction in conformance with the State Solid Waste Management Plan authorized under 10 V.S.A. chapter 159. Municipalities Solid waste districts may issue exclusive local franchises and may make, amend, or repeal rules necessary to manage~~

~~the storage, collection, processing, and disposal of solid waste materials within their limits and impose penalties for violations thereof, provided that the rules are consistent with the State Plan and rules adopted by the Secretary of Natural Resources under 10 V.S.A. chapter 159. A fine may not exceed \$1,000.00 for each violation. This section shall not be construed to permit the existence of a nuisance.~~

~~(b) Municipalities Solid waste districts may satisfy the requirements of the State Solid Waste Management Plan and the rules of the Secretary of Natural Resources through agreement between any other unit of government or any operator having a permit from the Secretary, as the case may be.~~

~~(c)(1) No later than On or before July 1, 1988 2016, each municipality, as defined in subdivision 4303(12) of this title, shall join or participate in a solid waste management district organized pursuant to chapter 121 of this title no later than January 1, 1988 or participate in a regional planning commission's planning effort for purposes of solid waste implementation planning, as implementation planning is defined in 10 V.S.A. § 6602.~~

~~(2) No later than July 1, 1990 each regional planning commission shall work on a cooperative basis with municipalities within the region to prepare a solid waste implementation plan for adoption by all of the municipalities within the region which are not members of a solid waste district, that conforms to the State Waste Management Plan and describes in detail how the region will achieve the priorities established by 10 V.S.A. § 6604(a)(1). A solid waste implementation plan adopted by a municipality that is not a member of a district shall not in any way require the approval of a district. The Secretary shall not approve a solid waste implementation plan submitted by a person or entity other than a solid waste management district. No later than On or before July 1, 1990, each solid waste district shall adopt a solid waste implementation plan that conforms to the State Waste Management Plan, describes in detail how the district will achieve the priorities established by 10 V.S.A. § 6604(a), and is in conformance with any regional plan adopted pursuant to chapter 117 of this title. Municipalities or solid waste management districts that have contracts in existence as of January 1, 1987 2016, which contracts are inconsistent with the requirement to join a solid waste management district, the State Solid Waste Plan and, or the priorities established in 10 V.S.A. § 6604(a), shall not be required to breach those contracts, provided they make good faith efforts to renegotiate those contracts in order to comply. The Secretary may extend the deadline for completion of a plan upon finding that despite good faith efforts to comply, a regional planning commission or solid waste management district has been unable to comply; due to the unavailability of planning assistance funds under 10 V.S.A.~~

~~§ 6603b(a) or delays in completion of a landfill evaluation under 10 V.S.A. § 6603a.~~

~~(3) A municipality that does not join or participate in a solid waste management district as provided required in this subsection shall not be eligible for State funds from the Solid Waste Management Assistance Account or the Solid Waste Infrastructure Assistance Account to plan and construct solid waste facilities, nor can it use facilities certified for use by the region or by the solid waste management district.~~

~~***~~

~~Sec. 10. AGENCY OF NATURAL RESOURCES REPORT ON SOLID WASTE GOVERNANCE~~

~~(a) On or before December 15, 2014, the Secretary of Natural Resources shall submit to the Senate and House Committees on Natural Resources and Energy a report recommending the most efficient and cost-effective solid waste management governance system for the implementation of 2012 Acts and Resolves No. 148. The report shall include:~~

~~(1) a summary of the costs and benefits of requiring municipalities to join a solid waste management district; and~~

~~(2) whether or not consolidation of solid waste management districts is necessary to accomplish the objectives of 2012 Acts and Resolves No. 148.~~

~~(b) Before submitting the report required under subsection (a) of this section, the Secretary of Natural Resources shall convene at least two meetings of interested parties to collect input regarding the recommendation required under the report.~~

~~*** Municipal Reporting Regarding Solid Waste Management ***~~

~~Sec. 11. 24 V.S.A. § 2202b is added to read:~~

~~§ 2202b. SOLID WASTE DISTRICT REPORTING; SOLID WASTE MANAGEMENT~~

~~(a) Beginning July 1, 2016 and annually thereafter, a solid waste district, individually or through a solid waste management district by the Secretary of Natural Resources, shall submit the following data to the Secretary of Natural Resources:~~

~~(a) Beginning on July 1, 2016 and annually thereafter, a municipality, individually or through a solid waste management district or other entity approved by the Secretary of Natural Resources, shall submit the following data to the Secretary of Natural Resources:~~

~~(1) the number and type of solid waste collection facilities owned, operated, or used by the solid waste district municipality;~~

~~(2) a list of the commercial haulers doing business in the solid waste district municipality and the services provided by each commercial hauler;~~

~~(3) the total weight of the following collected in the solid waste district municipality in the preceding year:~~

~~(A) mandated recyclables;~~

~~(B) leaf and yard residuals; and~~

~~(C) food residuals.~~

~~(4) the collection services that the solid waste district municipality offers for construction and demolition materials, and, if collection services are provided:~~

~~(A) the total weight of construction and demolition debris collected in the solid waste district municipality in the preceding year;~~

~~(B) whether the solid waste district municipality has established a program for the recycling of clean wood and, if so, the total weight of clean wood collected;~~

~~(C) whether the solid waste district municipality has established a program for the recycling of asphalt shingles and, if so, the total weight of asphalt shingles collected; and~~

~~(D) whether the solid waste district municipality has established a drywall collection program and, if so, the total weight of drywall collected;~~

~~(5) the collection services provided for household hazardous waste and conditionally exempt generator waste, including:~~

~~(A) whether the solid waste district municipality provides year-round access to a permanent facility for the collection of household hazardous waste and conditionally exempt generator waste; and~~

~~(B) if a permanent facility is not available under subdivision (5)(A) of this subsection (a), the number and type of collection events in the preceding year provided for household hazardous waste and conditionally exempt generator waste; and~~

~~(6) a summary of how biosolids and septage are managed within the solid waste district municipality.~~

~~(b) The Secretary of Natural Resources shall compile the data provided under subsection (a) of this section. Notwithstanding the requirements of 2 V.S.A. § 20(d), beginning January 1, 2017 and annually thereafter, the~~

~~Secretary shall submit the compiled data to the Senate and House Committees on Natural Resources and Energy.~~

~~*** Effective Dates ***~~

~~Sec. 12. EFFECTIVE DATES~~

~~This act shall take effect on July 1, 2014, except that Sec. 8 (repeal of solid waste infrastructure assistance account) shall take effect on January 1, 2021.~~

~~*** Architectural Waste Recycling***~~

~~Sec. 1. FINDINGS~~

~~The General Assembly finds that, for the purposes of Secs. 1–3 of this act:~~

~~(1) Certain waste from commercial development projects can create significant issues for the capacity and operation of landfills in the State.~~

~~(2) There are opportunities for materials recovery of certain waste from commercial development projects in a manner consistent with Vermont's solid waste management priorities of reuse and recycling.~~

~~(3) Substantial opportunity exists in Vermont for the recovery and recycling of certain materials in the waste from commercial development projects, including wood, drywall, asphalt shingles, and metal.~~

~~(4) To reduce the amount of waste from commercial development projects in landfills and improve materials recovery, the construction industry should attempt to recover certain waste from commercial development projects from the overall waste stream.~~

~~Sec. 2. 10 V.S.A. § 6605m is added to read:~~

~~§ 6605m. ARCHITECTURAL WASTE RECYCLING~~

~~(a) Definitions. In addition to the definitions in section 6602 of this chapter, as used in this section:~~

~~(1) "Architectural waste" means discarded drywall, metal, asphalt shingles, clean wood, and ~~treated or painted wood~~ plywood, and oriented strand board derived from the construction or demolition of buildings or structures.~~

~~(2) "Commercial project" means construction, renovation, or demolition of a commercial building or of a residential building with two or more residential units.~~

~~(b) Materials recovery requirement. Beginning on or after January 1, 2015, if a person produces 40 cubic yards or more of architectural waste at a commercial project located within 20 miles of a solid waste facility that recycles architectural waste, the person shall:~~

(1) arrange for the transfer of architectural waste from the project to a certified solid waste facility, which shall be required to recycle the architectural waste or arrange for its reuse unless the facility demonstrates to the Secretary a lack of a market for recycling or reuse and a plan for reentering the market when it is reestablished; or

(2) arrange for a method of disposition of the architectural waste that the Secretary of Natural Resources deems appropriate as an end use, including transfer of the architectural waste to an out-of-state facility that recycles architectural waste and similar materials.

(c) Transition; application. The requirements of this section shall not apply to a commercial project subject to a contract entered into on or before January 1, 2015 for the disposal or recycling of architectural waste from the project.

(d) Guidance on separation of hazardous materials. The Secretary of Natural Resources shall publish informational material regarding the need for a solid waste facility that recycles architectural waste to manage properly and provide for the disposition of hazardous waste and hazardous material in architectural waste delivered to a facility.

Sec. 3. ANR REPORT ON ARCHITECTURAL WASTE RECYCLING

On or before January 1, 2017, the Secretary of Natural Resources, after consultation with interested persons, shall submit to the Senate and House Committees on Natural Resources and Energy a report regarding implementation of the requirements for architectural waste recycling in the State under 10 V.S.A. § 6605m. The report shall include:

(1) a summary of the implementation of the requirements of 10 V.S.A. § 6605m for the recycling of architectural waste;

(2) an estimate of the amount of architectural waste recycled or reused since January 1, 2015;

(3) whether viable markets exist for the cost-effective recycling or reuse of additional components of the waste stream from commercial projects;

(4) a recommendation as to whether architectural waste should be banned from landfill disposal; and

(5) any other recommended statutory changes to the requirements of this section.

*** * * Solid Waste Management Facility Certification * * ***

Sec. 4. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

* * *

(j) A facility certified under this section that offers the collection of municipal solid waste shall:

* * *

(l) A facility certified under this section that offers the collection of municipal solid waste shall not charge a separate fee for the collection of mandated recyclables. A facility certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of municipal solid waste and may adjust the charge for the collection of municipal solid waste. A facility certified under this section may charge a separate fee for the collection of leaf and yard residuals or food residuals. If a facility collects mandated recyclables from a commercial hauler, the facility may charge a fee for the collection of those mandated recyclables.

Sec. 5. 10 V.S.A. § 6605c(a) is amended to read:

(a) Notwithstanding sections 6605, 6605f, and 6611 of this title, no person may construct, substantially alter, or operate any categorical solid waste facility without first obtaining a certificate from the Secretary. Certificates shall be valid for a period not to exceed ~~five~~ 10 years.

* * * Solid Waste Transporters; Mandated Recyclables * * *

Sec. 6. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with ~~state~~ State law.

(b) As used in this section:

(1) "Commercial hauler" means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle ~~having a rated capacity of more than one ton.~~

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

** * **

(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a transporter certified under this section that offers the collection of municipal solid waste shall:

(A) Beginning July 1, 2015, offer to collect mandated recyclables separated from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.

(B) Beginning July 1, 2016, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)–(5) of this title.

(C) Beginning July 1, 2017, offer collection of food residuals separate from other solid waste and deliver to a location that manages food residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)–(5) of this title.

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a transporter in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

(A) is applicable to all residents of the municipality;

(B) prohibits a resident from opting out of ~~municipally-provided~~ municipally provided solid waste services; and

(C) does not apply a variable rate for the collection for the material addressed by the ordinance.

(3) A transporter is not required to comply with the requirements of subdivision (1)(A), (B), or (C) of this subsection in a specified area within a municipality if:

(A) the Secretary has approved a solid waste implementation plan for the municipality;

(B) for purposes of waiver of the requirements of subdivision (1)(A) of this subsection (g), the Secretary determines that under the approved plan:

(i) the municipality is achieving the per capita disposal rate in the State Solid Waste Plan; and

(ii) the municipality demonstrates that its progress toward meeting the diversion goal in the State Solid Waste Plan is substantially equivalent to that of municipalities complying with the requirements of subdivision (1)(A) of this subsection (g);

(C) the approved plan delineates an area where solid waste management services required by subdivision (1)(A), (B), or (C) of this subsection (g) are not required; and

~~(C)~~(D) in the delineated area, alternatives to the services, including ~~on-site~~ on-site management, required under subdivision (1)(A), (B), or (C) of this subsection (g) are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

(h) A transporter certified under this section that offers the collection of municipal solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a transporter may charge a fee for all service calls, stops, or collections at a residential property and a transporter may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A transporter certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A transporter certified under this section that offers the collection of solid waste may charge a separate fee for the collection of leaf and yard residuals or food residuals from a residential customer.

* * * Solid Waste Infrastructure Advisory Committee * * *

Sec. 7. SOLID WASTE INFRASTRUCTURE ADVISORY COMMITTEE

(a) The Secretary of Natural Resources shall convene a Solid Waste Infrastructure Advisory Committee to review the current solid waste management infrastructure in the State, evaluate the sufficiency of existing solid waste management infrastructure to meet the requirements of subsection 6605(j) of this title, and recommend development or construction of new solid waste management infrastructure in the State.

(b) The Solid Waste Infrastructure Advisory Committee shall be composed of the Secretary of Natural Resources or his or her designee and the following members, to be appointed by the Secretary of Natural Resources:

(1) three representatives of the solid waste management districts or other solid waste management entities in the State;

(2) one representative of a solid waste collector that owns or operates a material recovery facility;

(3) two representatives of solid waste commercial haulers, provided that one of the commercial haulers shall serve rural or underpopulated areas of the State;

(4) one representative of recyclers of food residuals or leaf and yard residuals; and

(5) one Vermont institution or business subject to the requirements under subsection 6605(j) of this title for the management of food residuals.

(c) The Solid Waste Infrastructure Advisory Committee shall:

(1) review the existing systems analysis of the State waste stream to determine whether the existing solid waste management facilities operating in the State provide sufficient services to comply with the requirements of subsection 6605(j) of this title, and meet any demand for services;

(2) summarize the locations or service sectors where the State lacks sufficient infrastructure or resources to comply with the requirements of and demand generated by subsection 6605(j) of this title, including the infrastructure necessary in each location;

(3) estimate the cost of constructing the necessary infrastructure identified under subdivision (2) of this subsection; and

(4) review options for generating the revenue sufficient to fund the costs of constructing necessary infrastructure.

(d) Report. On or before January 15, 2015, the Solid Waste Infrastructure Advisory Committee shall submit to the Senate and House Committees on Natural Resources and Energy a report that includes the information and data developed under subsection (c) of this section.

~~*** Vermont Green Up Checkoff ***~~

~~Sec. 7a. 32 V.S.A. § 5862f is added to read:~~

~~§ 5862f. VERMONT GREEN UP CHECKOFF~~

~~(a) Returns filed by individuals shall include, on a form prescribed by the Commissioner of Taxes, an opportunity for the taxpayer to designate funds to Vermont Green Up, Inc.~~

~~(b) Amounts so designated shall be deducted from refunds due to, or overpayments made by, the designating taxpayers. All amounts so designated and deducted shall be deposited in an account by the Commissioner of Taxes for payment to Vermont Green Up, Inc. If at any time after the payment of amounts so designated to the account it is determined that the taxpayer was not entitled to all or any part of the amount so designated, the Commissioner may assess, and the account shall then pay to the Commissioner, the amount received, together with interest at the rate prescribed by section 3108 of this title, from the date the payment was made until the date of repayment.~~

~~(c) The Commissioner of Taxes shall explain to taxpayers the purposes of the account and how to contribute to it. The Commissioner shall make available to taxpayers the annual income and expense report of Vermont Green Up, Inc. and shall provide notice in the instructions for the State individual income tax return that the report is available at the Department of Taxes.~~

~~(d) If amounts paid with respect to a return are insufficient to cover both the amount owed on the return under this chapter and the amount designated by the taxpayer as a contribution to Vermont Green Up, Inc., the payment shall first be applied to the amount owed on the return under this chapter and the balance, if any, shall be deposited in the account.~~

~~(e) Nothing in this section shall be construed to require the Commissioner to collect any amount designated as a contribution to Vermont Green Up, Inc.~~

* * * Effective Date * * *

Sec. 8. EFFECTIVE DATE

~~This act shall take effect on July 1, 2014, except that Sec. 7a (Vermont Green Up Checkoff) shall take effect on January 1, 2015 and apply to returns filed after that date.~~